GAHC010207752026

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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Bail Appln./2917/2026

NUR HUSSAIN ALIAS NUR HUSSAIN SHEIKH ALIAS NUR HOSSAIN SK
SO LT TIAH ALI MIAH, RO VILL BANACHAPA (POKIA), PS FAKIRGANJ,
DIST DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM
TO BE REPRESENTED BY THE LEARNED PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. SURAJIT DAS, MD A RAHMAN,A MISHRA,MR SARFRAZ NAWAZ,MR A W AMAN

Advocate for the Respondent : PP, ASSAM, MR R A AHMED(INFORMANT),MR A ALAM(INFORMANT),MR. B HUSSAIN(INFORMANT),MR. A A MONDAL(INFORMANT),MD B ISLAM(INFORMANT)

BEFORE
HONOURABLE MR. JUSTICE PRANJAL DAS

ORDER

Date : 07.10.2026

Heard Mr. S. Das, learned counsel for the petitioner and Mr. B. Sharma, learned Additional Public Prosecutor for the State and Mr. B. Islam, learned counsel for the informant.

2. The petitioner namely, Nur Hussain @ Nur Hussain Sheikh @ Nur Hossain Sk, is seeking regular bail under section 483 BNSS in connection with Fakirganj PS Case No. 77/2026 under section 61(2)/123/127(2)/117(2)/103(2) BNS, 2023.

3. On 04.07.2026, an FIR was lodged by one Moidul Islam before the Fakirganj PS stating that on 06.02.2026, his brother namely, Safiur Alam (deceased) had gone to his in-laws place but later on, he fell sick and was admitted to Metro hospital. He was brought back to the residence on 10.02.2026, but soon after he again became serious due to which he was taken to Solace Hospital, Goalpara, but he died there. Based on the aforesaid information, UD Case No. 05/2026 was registered.

4. Subsequently, it appears that the informant side was not very satisfied with the non completion of the investigation in the UD case and they lodged another complaint dated 04.07.2026 before the same police station, naming 8 (eight) accused persons and unnamed others. The present petitioner is named as A3 in the FIR.

5. The gist of the allegation is that the deceased was married to the petitioner’s sister and had visited his in-laws place on that day but he was subjected to torture and poison and subsequently, he died.

6. This is a subsequent bail petition as the earlier bail petition was rejected by this Court on 28.08.2026 in Bail Appln./2421/2026. In the meantime, the investigation is completed resulting in a charge sheet. Accordingly, the scanned TCR was called for from the learned court below and the same has been received.

7. After perusal of the scanned TCR, it reveals that the case is presently

before the learned Additional CJM at Dhubri and is pending at the stage of appearance/production. Since the Sessions triable provisions are involved, perhaps the case is also awaiting committal on subsequent date(s).

8. Mr. S. Das, learned counsel, submits that the subsequent bail petition be allowed in view of the length of detention and the stage of the case.

9. The learned Additional Public Prosecutor fairly submits that cognizance was taken as per order dated 06.10.2026 passed by the learned Additional CJM, Dhubri. The charge sheet vis-à-vis the date of arrest of the petitioner on 08.07.2026, was placed before the court on the 91st day. The aforesaid fair submission of the prosecution is appreciated. It is the duty of the prosecution as a public institution to project the truth and facts.

10. Mr. M. Islam, learned counsel for the informant, submits that his main contention at this stage is that the informant's side has apprehension from the side of the accused.

11. Upon considering the entire matter - I am of the considered opinion that the accused should be granted bail at this stage, subject however to suitable conditions.

12. Accordingly, the accused-petitioner, named above, shall be released on bail in connection with Fakirganj PS Case No. 77/2026 under section 61(2)/123/127(2)/117(2)/103(2) BNS, 2023, on furnishing bail bond of **Rs.50,000/-** with one suitable surety of the like amount to the satisfaction of learned concerned court.

13. The direction for bail is further subject to the following conditions:

(a) That the petitioner shall not abscond;

(b) That the petitioner shall be available during trial;

(c) That the petitioner shall not hamper or tamper with evidence;

(d) That the petitioner shall not intimidate or harass or try to influence any witnesses; and

(e) That the petitioner shall not in any manner threaten or harass or harm upon the informant or his family members.

14. Violation or breach of any condition(s) shall entail cancellation of bail.

15. A copy of this order shall be sent to the OC, Fakirganj police station and if need be, the conditions may be brought to the notice of the informant side also.

16. With the above observations, this bail petition stands **allowed** and disposed of accordingly.

JUDGE

Comparing Assistant